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Political, Economic, and Legal Influences on Gender Equality

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Abstract

Obtaining equality has been a continuous struggle in the United States. Race, class, and gender inequality are extensive in this country, so much so that these aspects of inequality often intersect, making the effects of inequality more prevalent. In discussing gender inequality, many only consider the variations in income, employment, and opportunity that exist between men and women. The purpose of this paper is to examine the inequalities that occur within gender inequality, namely on the basis of race and class. This paper will attempt to answer how the political, economic, and legal practices that often govern this nation influence gender inequality and its intersections.

Key Terms: Gender Inequality, Political Influences, Economic Influences, Legal Influences,

Gender inequality has been the source of much speculation among social and behavioral scientists. Often, however, gender inequality is taken to mean variations in income, employment, and opportunities between men and women. Yet, there is more to the study of gender inequality than these issues alone. The concern of this essay is to find gender inequality where it is least discussed; between and across the intersections of race and class. We seek to learn what factors crystallize a study of inequalities demonstrated among Black and White women and men primarily at the working and middle class socioeconomic levels.

There is no doubt that women are particularly disadvantaged in economic and social arenas. Gender inequality has been observed in the United States on economic or class levels but not enough has been done to focus on the realities of race-based inequality and what influences contribute most to such variations. In American society, it is often seen as natural to treat men and women differently, without regard to equity. Thus, gender inequality is often taken for granted, considered not only a natural social response, whether in the workforce or in the home but also one that is a necessary part of community relations. It is often the women in society who ensure that boys and men are better educated, nourished and cared for than girls and women. Traditionally, men's health has been considered to be more important than women's health since men have been understood to be the caretakers of the family.

At the national level of analysis, gender inequality can be attributed not merely to family tradition but to government policy (e.g. welfare policy), economic justice issues (e.g. relative deprivation, cost of living, unequal pay scale, job opportunities, etc.), and laws put in place to correct gender injustice (cohabitation rights, financial and property sharing, etc.). Often, the law proves to be less of a corrective influence and more of a contributing element on the gender

inequalities evident in the United States. Even while considering these influences, one cannot escape the impact of overlapping economic, political and legal influences on the continuity or erosion of gender inequality.

Although the discipline of political science and its study of democratic theory have contributed mightily to a theoretical consideration of equality, it has not embraced the question of gender equality with any level of thoroughness. Many political theorists, such as John Stuart Mill (1970), have drawn attention to gender inequality through a focus on women and work and women in the institution of marriage. Other notable political economists, such as Robert Gilpin (2001), and Joseph Schumpeter (1942) have contributed much to an understanding of political influences on the economy, but have remained silent on the matter of gender inequality.

Yet, it would be naive to ignore the framework for intersectional analysis of gender inequality that has been provided by the literature on gender inequality. For this reason, the paper will explore political, economic and legal influences, all of which have an impact on the gender inequalities that mar our world.

Policy of Economic Injustice against Women

Government policy, such as the passage of the Nineteenth Amendment, the Equal Pay Act, and the Voting Rights Act, reflects attempts to end gender inequality. However, there are still areas where gender inequality is evident, and policy does little to improve its effects on women. When we think of gender inequality, are we really addressing the right of women to obtain economic justice? With more and more families working at their fullest capacity and many households being headed by women, it is time to examine the policy decisions that influence the growth in gender inequality. For not only do we have evidence that real wages for women are declining relative to men's earnings, but we find that women of color are disproportionately affected by policy decisions designed to correct the inequality between and among groups.

As argued by Anderson (2001), women's wages are up 22 cents since 1978. Real wages for women grew 0.8 percent in the 1990s (5.7 percent in the 1980s), but there was a 6.1 percent decline in wages for women in low-wage jobs. After a decade of growth in wages for most women, between 1989 and 1995, the bottom two-thirds of women in the labor force saw their wages decline (Anderson, 2001). These shifts clearly demonstrate that gender inequality, may not be just the result of variations in wages between men and women but may also be the result of restructuring policies put in place to correct the acknowledged wage disparities among American workers. Working class women and women of color have experienced a more negative impact from such wage restructuring.

The economic pattern of inequality over the past two decades has shown that while the median income for women has increased steadily since 1989, some groups have fared more poorly than others. For example, Hispanic women have not experienced high wage increases. Although White women's income increased by 13 percent, this was still only 52 percent of what White men earned. Moreover, Black women reportedly earned 27 percent of White women's income, which was approximately only 47 percent of White men's earnings (Anderson, 2001). Such statistics not only highlight the state of inequality among women and between men and

women across race and class lines, but it directly leads to a consideration of some of the government policies which contributes to the gendered inequalities in income earnings.

The U.S. Welfare program may be a good starting point for this discussion. The welfare program was developed to end the spread of mass poverty that ensued during the Great Depression. As time passed, the welfare program continuously came under attack for the effects of its disbursal practices. With the passage of the first federal welfare program, Aid to Families with Dependent Children, (AFDC), a “dependent mother” was considered to be only one of a few things: a widow with small children, a woman whose husband had been disabled in an industrial accident, or a woman who had been abandoned by her husband. Women with illegitimate children did not fall into this category until some time after the program had been in existence. Today, the program is often blamed for the high rate of illegitimate children within the Black family, bringing race and class to the forefront of the policy (Darity & Myers, 1983).

Prior to becoming AFDC, the assistance program was known as Aid to Dependent Children (ADC). Under this name, the program covered a child of an unemployed parent, and the said parent. In 1962, ADC became AFDC, and the program began to cover a second parent in a family, provided that parent was incapacitated or unemployed. The decision to adopt the Aid to Families with Dependent Children - Unemployed Parent (AFDC-UP) policy was left up to the states to enact (or not), depending on their own political agenda and policy interests. In 1978, 28 states participated in the AFDC-UP program, and by 1982, the number had decreased to 23.

AFDC-UP was created to reduce the two-parent penalty of the AFDC program. Many states chose not to include this program in their eligibility criteria because Congress made it optional. Instead, they increased payments made to those receiving AFDC funds, encouraging Black mothers to remain unmarried. In October, 1990, the Family Support Act (FSA) extended the previously optional AFDC-UP program to all states. By 1985, however, households that were headed by women had increased from 25 percent to 40 percent. Since then, the welfare system in the United States came under constant attack from the Black community, which argued that the program promoted female headship in the family structure, dependence on government funds, and a cycle of families receiving aid.

In a survey of 149, Chicago mothers who receive welfare, 67 percent believed that receiving welfare had a negative effect on their family life. Their major concern was how to deter their older daughters from having children before marriage in order to benefit from public aid (Murray, 1993). These women acknowledged that the system posed a problem for families by perpetuating dependency. It is easy to see that the more reliance there may be on government aid to women, the greater the gaps that will develop between male and female income earnings and between women on welfare and women in the workplace. Of course, the argument may be advanced here that one aspect of this discussion that is omitted is the ways in which women’s work is being valued in relation to men’s work. Do women on welfare earn less than men or other women in the workforce because they work less or because their reproductive work, usually conducted at home, is valued less in society than a forty-hour a week job away from home?

Feminist scholars have long argued that women's household work has not received the merit it deserves either by governments or by organizations and have called for change in this respect, (Iversen & Rosenbluth, 2006). In their article, Folbre, Budig, and England (2002) proposed that an index, akin to the Gender Equity Index, be developed to include "care work" as an economic measure. Feminists recognize the potential of policy to broaden the discussion of the value of women's work and in so doing create a potential for redressing issues of gender inequality. To the extent that scholars recognize and highlight the unequal division of labor between men and women as well as among women working outside the home, the problem of inequality can be aired, discussed, and analyzed at a variety of levels. In addition, the impact of government policy can be evaluated in terms of the help or harm it renders.

Contributing Economic Influences

Political realities are not the only lens through which one might view gender inequalities. Economic conditions such as wage gaps, glass ceilings, and job security offer another realistic means for evaluating gender inequality. Women are more vulnerable than men to economic exploitation. They are largely concentrated in lower paying jobs and positions with little job security. Further, they are exposed to more difficult and dangerous working conditions than men. While this literature focuses largely on the inequalities of earning between men and women, it has shed equally glaring light on the earning divisions between White women and women of color. Malveaux (1988), in particular, pointed to the differing economic interests of Black and White women, suggesting that the experience of racialized "women's work" has the potential to be politically radicalizing, in the sense that individuals living under oppressive economic conditions have the potential to become politically antagonistic.

A central aspect of women's gendered social equality is their economic inequality. Mill (1970) was one of the earliest political theorists to argue that the inability of married women to own property is a denial of their individual freedom and economic independence. Numerous other studies document the processes of class segregation and segmentation in relation to gender. Women have been excluded from positions of ownership, supervisory authority and decision-making power, and positions that allow male counterparts full autonomy. Under such circumstances, opportunities for promotion and higher income earnings are denied women regardless of the levels of competence they may bring to the position they hold.

What women bring to household work is no less their intellectual property than what men may bring to an engineering position or any other profession. Especially in a marital situation, the economic value of the time and stress of household management, when appropriately accorded, reduces the gender inequalities that place women at a material and emotional disadvantage. In this context, an economic influence on gender inequality is class. Often, the interests of women in the upper classes override their gender interests. In patriarchal societies, women of the upper classes are generally subordinated by their fathers and spouses. Few have acknowledged their subordination or empathized with working class women who have resisted similar exploitation in the home or the workplace. As hypothesized by Collom (2001), middle and upper class women who achieve capitalist positions in society as small business owners or managers adopt bourgeois ideologies, leaving working class women to seek their own economic rights in the workplace.

Studies have shown that variance in income, labor market status, and division of labor has been gender based. Women participate less in the labor market than do men, although they assume far greater responsibility for household work. Women also continue to be paid less than men even while doing similar work. Further, they hold jobs with less job security, fewer opportunities to advance, and in some cases less responsibility. A growing awareness of and resistance to these economic inequalities have further accounted for the gender gap in political preferences and voting behavior (Sen, 1995).

In an interesting analysis of the economic features of gender inequality, scholars find that class divisions among women are widening at the same time that gender divisions are narrowing (McDowell, 1991). As argued above, class divisions highlight differences between upper and middle class women and working class women, showing inequality to be as much a problem within gender as across gender. Indeed, by some measures, wage inequality is higher among women than between women and men in the United States (McCall, 1998). Some of the decline in wage inequality between men and women has been explained by increases in education among women relative to decreases among men. This would suggest that some of the barriers to economic equality faced by women have been overcome. Yet, other studies revealed that variables such as education, work experience and job tenure offered little explanation for observed differences in wage among men and women. Blau and Kahn (1994) draw attention to the fact that reductions in the gender wage gap are more evident at lower levels of wage distribution than at the higher levels. This may be attributed to a demand for women's labor at lower levels of the labor-market, where earnings do not compete with men's income, since men are more likely to be employed at higher levels than women.

Legal Influences on Gender Inequality

The struggle for gender equality from a legal standpoint has largely been fought in the Supreme Court, with advances and setbacks in employer hiring practices, reproductive rights, and violence against women. While law has taken a clear stance against gender inequality, and inequality as a whole, with laws such as the Equal Pay Act of 1963, those who enforce and follow such laws, continue to harbor attitudes of superiority. According to the U.S. Census Bureau in 2002, women made only 75.5 cents for every one dollar made by a man. Our systems for ensuring proper health care and economic security are failing women at critical rates. The Census Bureau also reported that the poverty rate for female-headed households increased to 28 percent in 2003, and poverty among adult women rose to 12.4 percent in that year as well. In the same report, over 17 million women reported having no health insurance.

According to The U.S. Equal Employment Opportunity Commission, The Equal Pay Act of 1963 is a federal law amending the Fair Labor Standards Act, intended to abolish wage differentials based on gender. In passing the bill, Congress condemned gender discrimination because it depresses wage and living standards for employees, prevents the maximum utilization of labor resources, often causes labor disputes that obstruct commerce, burdens commerce and the free flow of goods in commerce, and constitutes an unfair method of competition.

While the Nineteenth Amendment gave women the right to vote, many of the gains women made in achieving legal equality and fighting gender discrimination came during the 1960s, and the civil rights legislation that resulted from the Civil Rights Movement. The modern

Women's Rights Movement resulted in the development of feminist jurisprudence as a legal field of study, and in women using the legal system to challenge gender discrimination in employment, domestic relations, reproductive rights, and education (Binion, 1995).

The Supreme Court has had tremendous influence both positive and negative on the Women's Rights Movement. Reproductive rights were an important issue for the Supreme Court during the late 1960s and early 1970s. Landmark cases such as *Griswold v. Connecticut* where the Supreme Court struck down a Connecticut state law banning the use of contraceptives established the right to privacy within a marriage. The case asserted a level of privacy protecting married couples from government intrusions. In *Eisenstaedt v. Baird*, the Supreme Court struck down a Massachusetts law banning the distribution of contraceptives to unmarried persons. This case extended the right to privacy given to married persons in *Griswold v. Connecticut* to individuals whether married or single. In *Roe v. Wade*, perhaps the most famous case involving women's rights, the Supreme Court struck down a Texas law restricting abortion, holding that most state laws against abortion in the United States violated a Constitutional right to privacy under the Due Process Clause of the Fourteenth Amendment (U.S. Constitution).

There are several Supreme Court rulings that have affected employment conditions for women as well. In 1971, the Supreme Court ruled in *Phillips v. Martin Marietta Corp* that employers could not refuse to hire women with pre-school children while hiring men with such children. In *Pittsburgh Press Co. v. Pittsburgh Commission on Human Relations*, the Supreme Court upheld a Pittsburgh ordinance making it illegal to indicate a gender requirement in job postings. The 1991 ruling in *International Union UAW v. Johnson Control Inc* found that manufactures could not bar fertile women from jobs involving exposure to lead, despite the potential for fetuses being harmed by lead poisoning.

Despite the strides made by the legal system in women's rights, domestic relations have been the most difficult to control. In the United States, 20 percent of all violent crimes experienced by women are cases of domestic violence. According to the report *Intimate Partner Violence in the United States* compiled by the United States Department of Justice (2007), women make up 96 percent of victims of domestic violence. Black women make up 93 percent of the victims, while White women only consist of 84 percent. The report also found that women living in households with lower annual incomes experienced the highest rates of domestic violence. According to Kristen Anderson (1997) author of *Gender, Status, and Domestic Violence: An Integration of Feminist and Family Violence Approaches*, domestic violence is difficult to stop in part because historically it has been viewed as a private family matter, that doesn't require the involvement of the criminal justice system.

Conclusion

Issues such as the United States welfare program, women's wages in white and blue-collar jobs, job security, and opportunities for career advancement among women; bring race and class inequalities to the forefront of gender inequality. As gender inequality is explored, it is found that women of color experience gender inequality at greater levels than White women; it is the economic practice of capitalism that encourages gender inequality, and promotes patriarchy. It is both the economic and employment practices that prefer men over women, pay men higher wages than their female counterparts, and enforce hierarchical relations between men and

women that leave women dependent on men's earnings, and enable men to control women. In terms of inequality within governmental policy, the intersections of race and class are far more blatant. The practices of the United States welfare programs create dependence on the system, with a majority of the dependent being poor minority women. The legal influences of gender inequality are different from the political and economic influences in that the legal system has made many strides in improving gender inequalities. The law has taken a clear stance against gender inequality, and inequality as a whole. The problem with the legal system falls on those who enforce laws: they continue to harbor attitudes of superiority, keeping women in subordinate positions.

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